

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. At the hearing held on October 8, 2009 the Department explained that because the petitioner's adult

child had turned twenty-one over the summer, that child was no longer considered an eligible member of the petitioner's household. Thus, the size of the household for purposes of determining the eligibility of the petitioner's minor child for Dr. Dynasaur was reduced from four to three persons. Because the household's income had not changed, the amount of the household's premium was increased based on the rate applicable to a 3-person household.

3. The Department has advised the petitioner that her adult child can now apply for medical benefits in his or her own right.

ORDER

The Department's decision is affirmed.

REASONS

Under the regulations governing the Dr. Dynasaur program only siblings that are under age twenty-one can be included in the household of a child for who is eligible for Dr. Dynasaur benefits. W.A.M. § 5221. Income eligibility for Dr. Dynasaur and premium amounts are determined based on the income of the Dr. Dynasaur household. There is no dispute in this matter that according to the Department's procedures the Dr. Dynasaur premium for a 3-person household with the

petitioner's income is \$60. § P-2420B. (The premium for a household of four with the same income is \$15, which is what the petitioner had been paying when her adult child qualified as a household member.)

Inasmuch as there is no dispute that the Department correctly determined the household's income, and that its decision was in accord with the above regulations, the Board is bound to affirm that decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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